



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/643,487 | 08/19/2003 | Peter H. Soderberg | 281_382NP | 5437 |

20874 7590 01/03/2007
WALL MARJAMA & BILINSKI
250 SOUTH CLINTON STREET
SUITE 300
SYRACUSE, NY 13202

| |
|----------|
| EXAMINER |
|----------|

ASTORINO, MICHAEL C

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3736

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 01/03/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/643,487

Applicant(s)

SODERBERG ET AL.

Examiner

Michael C. Astorino

Art Unit

3736

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 90 and 94-106 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 90, and 94-106 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

The examiner acknowledges the response filed September 29, 2006, wherein claims 90, and 94-106 are pending.

Claim Objections

Claims 90 and 104 are objected to because of the following informalities: in claim 90, lines 4, the applicant uses the phrase "connectable to at least one patient" and in claim 104, in line 3 the applicant uses the phrase "connectable to a patient." The examiner suggests that the applicant amended this phrase to state in claim 90 "adapted to be connected to at least one patient" and in claim 104 "adapted to be connected to a patient." The change is to reflect the idea that Applicant cannot claim a patient (a human being) as part of the invention. Appropriate correction is required.

Note to Applicant: the word "for" and "configured to" in the claim may be properly interpreted as "capable of," and "capable of" does not require that reference actually teach the intended use of the element, but merely that the reference does not make it so it is incapable of performing the intended use.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 3736

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 90, 94, 97, and 103 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanna US Patent Number 6,450,966 B1 in view of Rocher US Patent Number 6,579,241 B2.

Claim 90. (New) A medical diagnostic workstation, said workstation comprising:

an assemblage supporting a computing device and at least one medical device that is connectable to at least one patient to obtain physiologic data relating to a said patient wherein said computing device receives physiologic data from said at least one connected medical device and stores of said physiologic data into at least one patient medical record; (column 7, lines 36-47)

said at least one supported medical device including a sphygmomanometer having an inflatable cuff and a pressure control assembly to inflate and deflate said cuff, wherein said pressure control assembly is automatically controlled to a predetermined inflation pressure by said workstation prior to measurement (column 7, lines 36-53). But not state wherein said pressure control assembly is automatically controlled to a predetermined inflation pressure by said workstation prior to measurement depending on trended blood pressure readings that are stored as physiologic data in said patient medical record.

However, Rocher a reference in an analogous art, teaches wherein said pressure control assembly is automatically controlled to a predetermined inflation pressure by said workstation prior to measurement depending on trended blood pressure readings that are stored as physiologic data in said patient medical record. (see column 1, lines 5-24, column 3, lines 20-67 and column 4, lines 1-19). It would have been obvious to one of ordinary skill in the art at the

Art Unit: 3736

time the invention was made to modify Hanna in view of Rocher as a substitute manner in which automatically avoid high inflation pressures that cause discomfort when taking blood pressure measurements.

In regards to claim 94, see Hanna -abstract and figure 2.

In regards to claim 97, see Hanna -column 8, lines 8-21; or Rocher column 1, lines 5-24, column 3, lines 20-67 and column 4, lines 1-19.

In regards to claim 103, Hanna's assemblage can be moved therefore it is mobile.

Claims 95-96 and 101-102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanna US Patent Number 6,450,966 B1 and Rocher US Patent Number 6,579,241 B2 as applied to claims 90 and 96 above, and further in view of Halpern et al. US Patent Number 5,687,717 A.

In regards to claims 95-96 and 101-102, Hanna does not disclose his workstation as being part of a wireless network. However, Halpern et al. a reference in an analogous art does disclose the use of a blood pressure device in a wireless network (column 7, lines 58-65 and figures 1 and 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the blood pressure device of Hanna and Rocher so as to be a part of the wireless network of Halpern et al., since Halpern et al. states the benefit of transporting and monitoring the blood pressure of a patient at the same time, see columns 1 and 2.

Claims 98-100, and 104-106 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanna US Patent Number 6,450,966 B1 and Rocher US Patent Number

Art Unit: 3736

6,579,241 B2 as applied to claims 90 and 96 above, and further in view of Weiner et al. US Patent Number 6,988,989 B2.

In regards to claims 98-100 and 104, Hanna and Rocher disclose everything claimed except for said being programmed to sound an alert if readings obtained as physiologic data related to a said patient exceeds a predetermined percentage. However Weiner et al., a reference in an analogous art teaches being programmed to sound an alert if readings obtained as physiologic data related to a said patient exceeds a predetermined percentage (see at least column 28, lines 17-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify system of Hanna and Rocher in view of the alarm system of Weiner et al., since the use of an alarm system will aid the user in determining abnormal conditions of the patient.

In regards to claims 105-106, see Hanna- abstract and figure 2.

Response to Arguments

Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

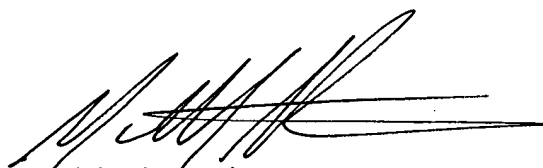
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Astorino whose telephone number is 571-272-4723. The examiner can normally be reached on Monday-Friday, 8:30AM to 3:30PM.

Art Unit: 3736

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on 571-272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Michael Astorino', with a long horizontal line extending to the right.

Michael Astorino
December 23, 2006